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TRANSMITTAL OF APPEAL BRIEF (Large Entity)	Docket No. 83306

In Re Application Of: **Korczak et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/046,414	November 9, 2001	S. Marsh	24628	3632	2098

Invention: **ANCHOR RAIL ADAPTER AND HANGER AND METHOD**

COMMISSIONER FOR PATENTS:

Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on **July 14, 2005**

The fee for filing this Appeal Brief is:

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- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
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CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8) Applicant(s): **Korczak et al.**			Docket No. **83306**	
Application No. **10/046,414**	Filing Date **November 9, 2001**	Examiner **S. Marsh**	Customer No. **24628**	Group Art Unit **3632**

Invention: **ANCHOR RAIL ADAPTER AND HANGER AND METHOD**

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83306 PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	Korczak et al.	)
Serial No.:	10/046,414	)
Conf. No.	2098	)
Filed:	November 9, 2001	)
For:	ANCHOR RAIL ADAPTER AND HANGER AND METHOD	)
Examiner:	S. Marsh	)
Art Unit:	3632	)

CERTIFICATE OF MAILING

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10/12/05
Date

Eric D. Cohen
Reg. No. 38,110

APPLICANTS' REVISED BRIEF ON APPEAL PURSUANT TO 37 C.F.R. PART 41 AND M.P.E.P. CHAPTER 1200

Mail Stop Appeal Brief
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313

In response to the Notification Of Non-Compliant Brief, said Notification mailed October 5, 2005, applicant submits below a revised Appeal Brief in compliance 37 C.F.R. Part 41.

APPEAL BRIEF

I. REAL PARTY IN INTEREST

The real party of interest is the assignee corporation, namely Andrew Corporation, 10500 West 153rd Street, Orland Park, Illinois 60462.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

III. STATUS OF CLAIMS

Claims 1-6, 8-13, 24-26, 29-32, 37, 39, 40, 49, 73-75, 78, 82, 142, and 143 are currently pending. These claims have been finally rejected and are now on appeal.

Claims 7, 14-23, 27-28, 33-36, 38, 41-48, 50-72, 76-77, 79-81, and 83-141 have been previously cancelled.

IV. STATUS OF AMENDMENTS

No amendments to the pending claims were filed after the date of the final rejection.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The Invention Defined by Independent Claim 1

With reference to Figs. 1-2 reproduced below (formal drawings filed March 24, 2003), the invention concerns an adapter 10, described in association with an anchor rail 12 and article support hanger 52 in appealed independent claim 1. The anchor rail 12 is known and is depicted as being formed as a U-shaped channel having a pair of upstanding and opposing legs 16, with each leg having an inwardly extending wall 18 that terminates in a downwardly oriented rail lip 20. (Substitute Specification, p. 5, ¶ 0041).

The adapter 10 is configured to receive and releasably retain an associated article support hanger 52 on the associated anchor rail. The support hanger 52 in turn, is intended to support

various cables, transmission lines (T), or lines of other types. (see Figs. 3, 8; Substitute Specification, p. 5, ¶ 0043).

The illustrated embodiment of the adapter 10 includes a mounting surface 22 having an opening 26 formed therein to releasably secure the article support hanger 52 to the adapter, flanges 30 depending from the mounting surface, and mounting legs 38 extending from the flanges. The mounting legs 38 in the illustrated embodiment each have a hook-like portion 40 for engaging the corresponding rail lip 20, which hook-like portions extend substantially along a width of the mounting leg. (Substitute Specification, p. 5, ¶ 0044). The adapter 10 is flexible to permit urging of the flanges 30 inwardly toward each other to facilitate insertion of a portion of the mounting legs 38 into the U-shaped channel. Further, the adapter 10 is resilient such that the hook-like portions 40 biasingly engage the rail lip 20. (Substitute Specification, pp. 5-6, ¶ 0049).

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Fig. 1

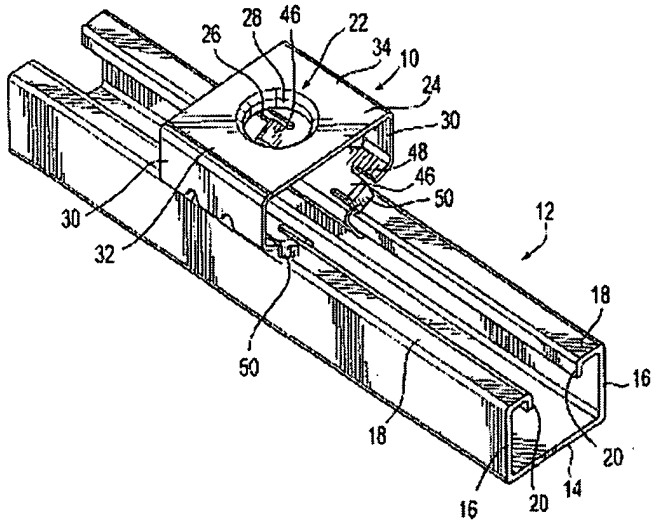
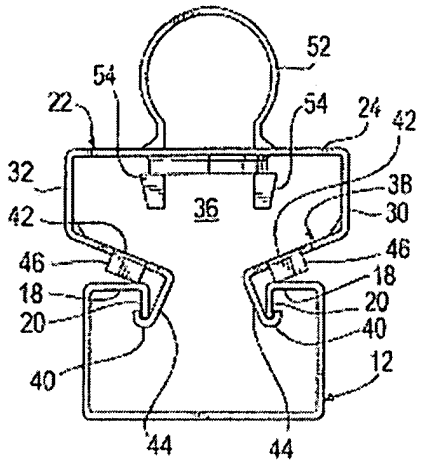


Fig. 2



The Invention Defined by Independent Claim 24

With reference to Figs. 1-2 reproduced above and in conjunction with the figures noted herein (formal drawings filed March 24, 2003), the invention concerns use of a unitary resilient coupling 10 for use with an associated article support hanger 52 (Substitute Specification, p. 5, ¶ 0043), described in association with a strut-type channel of an anchor rail 12 in appealed independent claim 24. The anchor rail 12 is known. The channel of the anchor rail 12 is formed as a U-shaped structure defined by a pair of upstanding opposing legs 16, with each leg having an inwardly extending wall 18 that terminates in a downwardly oriented rail lip 20. (Substitute Specification, p. 5, ¶ 0041).

The article support hanger 52 supports various cables, transmission lines (T), or lines of other types, such as a waveguide transmission line or electrical/pneumatic/hydraulic or other type of utility line. (see Figs. 3, 8; Substitute Specification, p. 5, ¶ 0043; p. 7, ¶ 0052).

The illustrated embodiment of the unitary resilient coupling 10 includes an article support hanger receiving portion 22, 26 configured to receive and releasably retain the associated article support hanger 52. (Su bstitute Specification, p. 5, ¶ 0043). The resilient coupling includes opposed mounting legs 38 having feet 40 configured to engage corresponding channel lips 20 of the strut-type channel to securely lock the resilient coupling 10 into the channel when the legs 38 are pinched together to fit within the channel. When released, the legs 38 expand and biasingly contact the corresponding channel lips 20. (Substitute Specification, pp. 5-6, ¶ 0049).

The Invention Defined by Independent Claim 73

With reference to Figs. 1-2 reproduced above and in conjunction with the figures noted herein (formal drawings filed March 24, 2003), the invention concerns an assembly for retaining a waveguide transmission line (T) or electrical/pneumatic/hydraulic or other types of utility lines (see Figs. 3, 8; Substitute Specification, p. 5, ¶ 0043; p. 7, ¶ 0052) on a strut-type channel in

appealed independent claim 73. The channel is formed generally as a U-shaped structure having a pair of upstanding opposing legs 16, with each leg having an inwardly extending wall 18 that terminates in a downwardly oriented rail lip 20. (Substitute Specification, p. 5, ¶ 0041).

The assembly includes a unitary resilient adapter 10 having a hanger receiving portion 22, 26, and an article support hanger 52 (Substitute Specification, p. 5, ¶ 0043), configured to retain the waveguide transmission line (T) or electrical/pneumatic/hydraulic or other types of utility line or article (see Figs. 3, 8; Substitute Specification, p. 5, ¶ 0043; p. 7, ¶ 0052). The article support hanger 52 has a portion 54 configured to be releasably received by the hanger receiving portion 22, 26. (Substitute Specification, p. 5, ¶ 0043).

The resilient adapter 10 includes opposed mounting legs 38 having feet 40 configured to engage corresponding channel lips 20 to securely lock the adapter 10 into the channel when the legs 16 pinched together to fit within the channel. When released, the legs 38 expand and biasingly contact the corresponding channel lips 20. (Substitute Specification, pp. 5-6, ¶ 0049).

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Whether claims 1-4, 8, 9, 24-26, 29, 37, 39, 40, and 49 are improperly rejected as being anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 5,108,055 to Kreinberg et al.

2. Whether claims 73-75, 78, 82, 142 and 143 are anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 3,536,281 to Meehan et al.

3. Whether claims 5-6 are improperly rejected as being unpatentable under 35 U.S.C. § 103(a) over U.S. Patent No. 5,108,055 to Kreinberg et al. in view of U.S. Patent No. 5,533,696 to Laughlin et al.

4. Whether claims 11, 12, 30, and 31 are improperly rejected as being unpatentable under 35 U.S.C. § 103(a) over U.S. Patent No. 5,108,055 to Kreinberg et al. in view of U.S. Patent No. 6,452,095 to Perrault.

5. Whether claim 10 is improperly rejected as being unpatentable under 35 U.S.C. § 103(a) over U.S. Patent No. 5,108,055 to Kreinberg et al.

6. Whether claims 13 and 32 are improperly rejected as being unpatentable under 35 U.S.C. § 103(a) over U.S. Patent No. 5,108,055 to Kreinberg et al. in view of U.S. Patent No. 4,505,006 to Andre.

VII. ARGUMENT

A. Summary of the Cited Prior Art

1. U.S. Patent No. 5,108,055 to Kreinberg et al.

Kreinberg discloses a conduit holder 10 formed and stamped from a single piece of metal. The conduit holder is configured to retain and support cables or other conduit on a panel, wall 92, or similar structure having an aperture, which aperture is typically circular. A threaded stud or bolt 58 is used to fasten the top portion 48, 52 of the conduit holder to the support, which in turn, supports the conduit. Lower wall sections 14, 16 of the holder are curved and partially wrap around the conduit, and when compressed toward each other, grip the conduit. To grip the conduit, an inner clamping section extends from ends of the outer wall sections and is latchable.

As shown in Fig. 1, the clamping section 30 is shown in the open position, that is, not latched. As shown in Fig. 2, the clamping section 30 has been rotated to bend about a hinge joint 32 to extend between the outer extents of the upper wall sections 20, 22. Col. 2, lines 49-54. Thus, to grip the conduit, the upper wall sections 20, 22 are squeezed together, which in turn,

causes the lower wall sections 14, 16 to move inwardly and compress the conduit. With the upper wall sections 20, 22 maintained by hand pressure in the compressed state, the clamping section 30 is latched in place to prevent separation of the upper wall sections 20, 22.

2. U.S. Patent No. 3,536,281 to Meehan et al.

Meehan discloses a two bracket system having a U-shaped bracket 10 and a L-shaped bracket, as shown in Figs. 1-4. The L-shaped bracket 12 is clipped on to the U-shaped bracket 10 by inserting tab 78 on the L-shaped bracket into the square hole 46 in the U-shaped bracket. The L-shaped bracket 12 is then slid forward so that elongated member or arm 86 of the L-shaped bracket engages the base 15 of the U-shaped bracket. This essentially fixes the L-shaped bracket under the base of the U-shaped bracket.

The L-shaped bracket includes two leg portions 58, 60 that form jaws to secure a round conduit 64 within. Thus, the conduit 64 may be gripped by the jaws 58, 60 of the L-shaped bracket 12, while the L-shaped bracket is secured to the U-shaped bracket 10.

Two variations of fixedly supporting the bracket are shown. As shown in Fig. 3, the U-shaped bracket 10 slides onto support 44 and is held in place with the barb members 42 of the tab member 40. Alternately, as shown in Fig. 6, the U-shaped bracket 10 may surround and engage a support 90 bar using bend ends 24 of the leg sections 16. In turn, U-shaped bracket 10 may support an outlet box 92 via a screw 94.

3. U.S. Patent No. 5,533,696 to Laughlin et al.

Laughlin discloses a loop-type conduit support clip 1 having a base with a circular mounting hole 125, presumably to secure the support clip to a wall or support structure. The clip includes flexible legs 2 and 4, which when compressed together, grip a pipe or conduit 13. Distal

ends of the legs snap fit to each other to maintain the compression of the conduit and prevent the legs from separating.

4. U.S. Patent No. 6,452,095 to Perrault

Perrault discloses an elongated T-shaped bar 12 that supports a plurality of conduit or pipes. The bar 12 is threaded onto a stud or bolt body 10, which is welded to one end of a wall or bulkhead of a ship 11, where the wall is typically a vertical wall.

5. U.S. Patent No. 4,505,006 to Andre

Andre discloses a circular clamp having a circular clamping member 1 surrounding a central aperture 2. A cable or conduit is retained within the aperture and the clamp is compressed. The central aperture terminates at ends 3 each having legs 4. A plurality of radially disposed ribs or clamping fingers 12 extend from the periphery of the circular clamping member radially inwardly to the aperture. When the legs are in a separated position, the central aperture has a gap that permits receipt of the conduit. Once the conduit is within the aperture, the legs are brought together in an abutting orientation to close the aperture and secure the conduit within. When the legs are together, projections 14 formed at the terminus of each leg form a tongue configured to fit into a support opening in a support surface, such as a wall.

B. The Disclosed Embodiments of the Present Invention

The present invention in the disclosed embodiments concern an adapter 10 configured to be attached to a U-shaped channel of an anchor rail 12. The anchor rail 12 is known in the art and, per se, is not part of the invention. When the adapter 10 is removeably affixed to the anchor rail 12, a support hanger 52 (Figs. 3, 8) may be attached to the adapter, either singly or daisy chained as shown in Figs 23, 25, or 27. The support hanger 52 is the structure that retains the transmission line or cable ("T" Fig. 3, "L" Fig. 8). The final result is that various transmission

(or other) lines retained by the support hanger or hangers are indirectly secured to the anchor rail 12, via the adapter 10. It is the adapter 10 that permits the support hanger(s) 52 and thus the supported line (or lines) to "hang" off of the anchor rail.

By way of background, the known anchor rail 12 is depicted as being formed as a U-shaped channel having a pair of upstanding legs 16, each leg having an inwardly extending wall 18, which terminates in a downwardly oriented rail lip 20. The anchor rails are known and are commonly used in industry as light-weight beams and structures for supporting various objects. (Specification, p. 5, ¶¶ 0041).

Also by way of background, the support hangers shown in Fig. 8 of the specification may be of the type shown in Paske U.S. Patent No. 6,354,543, also owned by the assignee of the present invention. A terminal disclaimer has been previously filed in the subject application relative to the Paske patent. Each support hanger releasably attaches to a mounting provision, such as an opening 26 in a mounting surface 22 of the claimed adapter. (Specification, p. 5, ¶¶ 0043).

Turning now to the claimed invention, as expressed for example, in claim 1, the adapter 10 includes a mounting surface 22 having an opening 26 formed therein. The adapter 10 has flanges 30 that depend from the mounting surface 22. Each flange 30 includes mounting legs 38 with hook-like portions 40 extending therefrom. The flanges 30 are sufficiently stiff so as to retain their structural integrity when the adapter 10 is attached to the anchor rail 12 under load from the support hanger 52 with the associated transmission line, yet are sufficiently flexible to permit opposed flanges 30 to be urged toward each so that the hook-like portions 40 clear the channel walls for insertion. (Specification, p. 6-7, ¶¶ 0049).

Once in position relative to the anchor rail 12, compression of the flanges 30 is released permitting the hook-like portions 40 of the adapter 10 to engage the lip 20 of the anchor rail 12 to secure the adapter 10 to the anchor rail. The support hanger(s) 52 with retained line or lines may then be secured to the adapter 10 by attaching the support hanger or hangers to the adapter.

C. The Examiner's Rejection Under § 102(b)

1. Rejection of Independent Claim 1 and Dependent Claims 2-4, 8, and 9 Over Kreinberg

The Examiner rejects the above-identified claims by reciting each element of applicant's independent claim 1 and stating that each of these elements is disclosed in Kreinberg. Applicant respectfully submits that this is not correct and that several claimed elements are not taught or disclosed in Kreinberg at all. (Note that for convenience the singular form of the term "applicant" is used herein notwithstanding that fact that multiple inventors are listed).

As a preliminary matter, it is important to highlight the differences between applicant's claimed adapter 10, and the conduit holder depicted in Kreinberg. The conduit holder in Kreinberg is intended to directly support cables or other conduit on a fixed support having an aperture, which aperture is typically circular to receive a bolt or stud. The Kreinberg conduit holder is a "stand-alone" device intended to bolt directly to a support surface and support a conduit.

In contrast, applicant's claimed adapter 10 does not directly support the conduit. Applicant's adapter 10 permits use of line hangers 52 of the type shown in Figs. 2-3, and 8 of the specification, which line hangers in turn, support the conduit, cable, or other line. Such line hangers 52 may be of the type shown in Paske U.S. Pat. No. 6,354,543 (also owned by the assignee of the subject application for which a terminal disclaimer was previously filed). In one embodiment shown in Fig. 1, the claimed adapter 10 has a hanger-receiving portion with an

opening (26) configured to be engaged by the barbs (54 of Fig. 2) on the legs of the article support hanger 52, which article support hanger is a completely separate structure, not positively recited in claim 1. Significantly, applicant is claiming in claims 1 and 14 the adapter 10, not the associated article support hanger nor the U-shaped channel. Unlike applicant's invention, the Kreinberg conduit hanger *is* directed to the conduit holder itself.

There are many elements of applicant's claimed invention not taught or disclosed in Kreinberg. First, the Kreinberg conduit holder does not include *a mounting surface having an opening formed therein to releasably secure the article support hanger to the adapter*, contrary to the Examiner's contention. Rather, the aperture in the plate portion 48 (Fig. 3) of the Kreinberg conduit holder is used merely to receive a stud 58 so as to fixedly secure the conduit holder to a panel or wall 92 (Fig. 4, Col. 3, lines 26-35). The aperture in Kreinberg cannot and does not releasably secure an article support hanger to the adapter, as is the case with applicant's claimed invention. Clearly, there is no structure in Kreinberg that could secure a support hanger, nor would this make sense. If some other structure was attached to the aperture in Kreinberg, how could the Kreinberg conduit holder be fixedly secured to a panel or wall for permanent support?

Second, the Kreinberg conduit holder does not include *mounting legs*, as recited in claim 1, contrary to the Examiner's contention. The mounting legs 38 in applicant's claimed invention extend downward from the flanges 30 (Specification, p. 5, ¶¶ 0045, Fig. 2), and their structure and purpose is to outwardly bias the attached hooks 40 against the rail 12. (Specification, p. 5, ¶¶ 0049). This essentially secures the adapter, which is the claim 1 invention, to the known U-shaped rail.

The mounting legs 38 of applicant's claimed invention are very different than the upper wall sections 20, 22 of the Kreinberg conduit holder, which the Examiner asserts describes applicant's mounting legs. The mounting legs 38 of applicant's claimed invention facilitate securing the adapter to the rail 12, that is, they mount the adapter to something, namely the rail 12. In contrast, the upper wall sections 20, 22 of the Kreinberg conduit holder provide a hinge-like portion so that the lower wall portions 14, 16 can be urged toward each other to grip and compress the conduit. These upper wall sections 20, 22 do not mount the Kreinberg conduit holder to any structure. Rather, such mounting or affixing is the function of the aperture 56 and stud 58 (Fig. 4) in Kreinberg. Thus, Kreinberg does not teach or disclose mounting legs, as is recited in claim 1, as these structures are completely absent.

Third, the Kreinberg conduit holder does not include *hook-like portions for engaging the corresponding rail lip*, contrary to the Examiner's contention, and no such lip even exists in Kreinberg. The Examiner asserts that the bent back portions 26 of Kreinberg represent applicant's hook-like portion 40. This is clearly not the case. The hook-like portions 40 of applicant's claimed invention are configured to engage the rail lips 20 (Specification, p. 5, ¶¶ 0045, Fig. 2), and thus fix the adapter 10 in place on the rail 12.

In contrast, the bent back portions 26 of Kreinberg (Col. 2, lines 28-30) merely provide a bent or U-shaped portion of metal to facilitate inward urging of the lower wall portions 14, 16 when compressed and latched by the clamping section 30, which spans the distance between the upper wall sections 20, 22 of Kreinberg (see Figs. 1, 2, 6). Not only does Kreinberg utterly fail to teach or disclose hook-like portions that are similar in any respect to the structure of applicant's claimed invention, but further, the bent back portions 26 of Kreinberg do not facilitate attaching

the conduit holder to a separate structure, such as applicant's U-shaped rail 12. This element is completely missing in Kreinberg.

In summary, at least three elements of claim 1 are not taught or disclosed in the Kreinberg reference. Each and every element of a claim must be shown in the "four corners" of the reference. "To anticipate a claim, a reference must disclose every element of the challenged claim and enable one skilled in the art to make the anticipating subject matter." PPG Industries v. Guardian Industries, 75 F.3d 1558, 37 U.S.P.Q.2d 1618 (Fed. Cir. 1996). Because at least one significant element of applicant's claimed invention is missing from the conduit holder of Kreinberg, Kreinberg cannot anticipate applicant's claimed invention. Accordingly, applicant submits that claim 1 is allowable over Kreinberg. Applicant also submits that dependent claims 2-4, 8, and 9 are allowable as depending from an allowable base claim.

2. Rejection of Independent Claim 24 and Dependent Claims 25-26, 29, 37, 39, 40, and 49 Over Kreinberg

Applicant reasserts the arguments made above with respect to independent claim 1 to traverse the rejection of independent claim 24. Claim 24 includes many similar elements as recited in claim 1, thus supporting the applicability of the above arguments to rebut the rejection of claim 24.

For example, regarding the first clause at issue, claim 1 recites "*a mounting surface having an opening formed therein to releasably secure the article support hanger...*," while claim 24 recites "*a receiving portion configured to receive and releasably retain the associated article support hanger.*" Regarding the second clause at issue, claim 1 recites "*mounting legs...*," while claim 24 recites "*opposed mounting legs.*" Regarding the third clause at issue, claim 1 recites "*a hook-like portion for engaging the corresponding rail lip ...*," while claim 24 recites "*feet configured to engage corresponding channel lips of the strut-type channel...*" Accordingly,

applicant submits that the elements of claim 24 are similar to the elements of claim 1 sufficient to apply similar arguments rebutting the Examiner's rejection based on Kreinberg.

As similarly set forth above with respect claim 1, at least three elements of claim 24 are not taught or disclosed in the Kreinberg reference. Because significant elements of applicant's claimed invention are missing from the conduit holder of Kreinberg, Kreinberg cannot anticipate applicant's claimed invention. Accordingly, applicant submits that claim 24 is allowable over Kreinberg. Applicant also submits that dependent claims 25-26, 29, 37, 39, 40, and 49 are allowable as depending from an allowable base claim.

3. Rejection of Independent Claim 73 and Dependent Claims 74-75, 78, 82, and 142-143 Over Meehan

Claim 73 and corresponding appealed dependent claims describe an assembly including an adaptor in combination with an anchor rail and an article support hanger. The Examiner rejects the above-identified claims by reciting each element of applicant's independent claim 73 and stating that each of these elements is disclosed in Meehan. Applicant respectfully submits that this is not correct. Regarding the enumerated structures of Meehan that the Examiner asserts are found in applicant's claimed invention, applicant submits the following observations:

First, the examiner asserts that Meehan discloses a "unitary resilient adapter (12) with a hanger receiving portion (84 and 86)." Contrary to the Examiner's assertion, Meehan does not disclose a unitary adapter with hanger receiving portions 84 and 86. Reference numeral 84 (Fig. 2) in Meehan is defined a "pair of spaced tabs or fingers," while reference numeral 86 (Fig. 2) is defined as an elongated arm, both structures being formed on a portion of the L-shaped bracket 12 (Fig. 2, Col. 3, lines 61-62, 68-70). The function of the spaced tabs or fingers 84, 86 is to permit the plate portion 62 of the L-shaped bracket 12 to "clip into" the base member 15 (Fig. 1) of the C-shaped bracket 10 (Figs. 1-3). This is explained at Col. 4, lines 3-10. Thus, Meehan is

neither "unitary" nor do structures 84 and 86 represent applicant's claimed hanger receiving portion.

Second, the examiner asserts that in Meehan "The adapter has opposed mounting legs (58 and 60) with feet (66 and 68) configured to engage a channel lip. . ." Reference numerals 58 and 60 are the C-shaped leg portions of the L-Shaped bracket (Fig. 2) that partially surround the cylindrical conduit 64 (Fig. 4) being held. Col. 3, lines 36-40. These leg portions cannot logically be considered to disclose applicant's opposed mounting legs 38. In applicant's claimed invention, the opposed mounting legs 38 removeably secure the adapter 10 to the U-shaped channel and do not act in any way to hold the conduit. In contrast, C-shaped leg portions 58, 60 in Meehan do not secure either of the brackets to some fixed support, as the Examiner implies, but rather, hold the conduit.

Third, the examiner asserts that the opposed mounting legs (58 and 60) have "feet (66 and 68) configured to engage a channel lip. . ." Again, the structures identified by the Examiner (feet 66 and 68) in Meehan do not disclose applicant's claimed feet. In Meehan, the structures 66 and 68 are referred to as "work-engaging teeth." (Col. 3, line 38) because such teeth grip the work or conduit. In contrast, in applicant's invention, the claimed feet engage the corresponding channel lip and releasably secure the adapter to the U-shaped channel. Meehan does not teach or disclose any from of channel lip, and certainly, the work-engaging teeth 66, 68 of Meehan do not engage any type of channel lip of the type set forth in applicant's claimed invention.

Further, applicant asserts that Meehan does not teach or disclose the element of *"mounting legs with feet configured to engage the corresponding channel lip to securely lock the resilient adapter into the channel. . ."* (claim 73), as certainly no channel lip is disclosed in Meehan. Because at least one significant element of applicant's claimed invention is missing

from the bracket structure of Meehan, Meehan cannot anticipate applicant's claimed invention. Accordingly, applicant submits that independent claim 73 is allowable over Meehan. Applicant also submits that dependent claims 74-75, 78, 82, and 142-143 are allowable as depending from an allowable base claim.

D. The Examiner's Rejection Under § 103(a)

1. Rejection of Dependent Claims 5 and 6 Over Kreinberg In View Of Laughlin

The Examiner rejects dependent claims 5 and 6 by stating that Kreinberg does not disclose a binding element in the form of a tab formed in the inwardly extending portion, but that Laughlin provides this missing element, namely inwardly extending tabs 72 defined by a pair of notches (on each side of the tab) on the inner leg portion of the adapter to further secure an object in the receiving space. The Examiner then states that it would be obvious to provide the tabs of Laughlin on the legs taught by Kreinberg "for the purpose of further securing an object to the adapter."

Laughlin does not provide the element that the Examiner asserts is missing from Kreinberg, and further, Kreinberg does not even provide the appropriate legs on which to place Laughlin's tabs. The locking tabs 70, 72 of Laughlin are merely bent cutout portions of the legs 2 that grip the conduit placed in the clamp. The Laughlin tabs serve to center the conduit and prevent it from sliding when wires are pulled through the conduit. Col. 6, lines 15-23. These tabs grip the conduit and do not aid in stabilizing or securing the actual conduit clip against any other support structure.

In contrast, the binding element or tab 46, as recited in applicant's claims 5 and 6 (Fig. 2) extend downwardly from the inward mounting leg portions 42 and are configured to bind on the rail inward wall 18 when the leg hooks 40 are positioned on the rail lips 20. In this manner, the

adapter 10 is secured to the rail 12 by the clamping action of the tabs 46 and hooks 40 to the rail walls 18 and lips 20, respectively. (Specification, p. 6, ¶¶ 0057). The tab end portions 50 are bent or otherwise formed having a downwardly extending portion that bite into the rail inward walls 18. (Specification, p. 6, ¶¶ 0058). Applicant's tabs have nothing whatsoever to do with gripping the conduit, rather, they stabilize the adapter 10 against its support structure, namely the U-shaped channel portion of the rail 12.

Accordingly, applicant reasserts the above argument under §102 for claim 1 concerning Kreinberg in traversing the Examiner's rejection regarding the combination of Kreinberg and Laughlin. In the present case, neither Kreinberg nor Laughlin, taken either individually or in combination, suggest applicant's claimed invention.

As discussed above with respect to the rejection of claim 1 under §102, Kreinberg does not teach or disclose the mounting surface, nor the mounting legs nor the hook-like portions for engaging the corresponding rail lip. Nor does Laughlin teach any of these elements. What Laughlin does teach is a partially cut-out portion that grips the conduit when the resilient support legs 2, 4 are wrapped around the conduit.

Thus, Laughlin does not provide any missing element that when combined with the Kreinberg conduit holder would provide applicant's claimed invention, because as stated above, Kreinberg is missing at least three significant elements of claim 1. Laughlin is also missing these elements, and further, Laughlin adds nothing to the combination, and certain does not add the binding element or tab 46 of applicant's claims 5 and 6 that extend downwardly from the inward mounting leg portions 42. Combining Kreinberg and Laughlin cannot and does not provide applicant's claimed invention. Accordingly, applicant asserts that dependent claims 5 and 6 are allowable over the combination of Kreinberg and Laughlin.

2. Rejection of Dependent Claims 11, 12, 30, and 31
Over Kreinberg In View Of Perrault

The Examiner rejects dependent claims 11, 12, 30, and 31 by stating that Kreinberg does not disclose a collar having threads, but that Perrault provides this missing element. The Examiner then states that it would be obvious to provide the threaded collar of Perrault on the mounting surface taught by Kreinberg to arrive at applicant's claimed invention.

Although Perrault may provide some kind of a threaded collar for attaching the T-bar type hanger shown Figs. 10 and 11 to a threaded rod, no logical combination of reference features exist because the primary reference to Kreinberg does not disclose the elements, or a sufficient number of elements, with which to make any kind of a combination for arriving at applicant's claimed invention. For a logical combination to be made, the primary reference would need to disclose most of the elements of the independent claim in question (which it does not), while the secondary reference would have to add some element that was missing from the primary reference, and wherein there is some motivation or suggestion to make the combination.

Accordingly, applicant reasserts the above argument under § 102 for claim 1 concerning Kreinberg in traversing the Examiner's rejection regarding the combination of Kreinberg and Perrault. In the present case, neither Kreinberg nor Perrault, taken either individually or in combination, suggest applicant's claimed apparatus.

As discussed above with respect to the rejection of claim 1 under §102, Kreinberg does not teach or disclose the mounting surface, the mounting legs or the hook-like portions for engaging the corresponding rail lip. Nor does Perrault teach any of these elements. What Perrault does teach is a bracket having a threaded collar configured to receive a threaded stud or bolt. Again, these features cannot be combined with the features of the primary reference to Kreinberg to arrive at applicant's claimed invention because, among other things, Kreinberg does not even

disclose most of the necessary elements of the claimed invention. Thus, adding one more immaterial feature from the Perrault secondary reference to the conduit holder of Kreinberg adds nothing of significance, and certainly does not produce a combination that renders applicant's claimed invention obvious.

What would such a combination of Kreinberg and Perrault look like? Such a combination would be the conduit holder of Kreinberg where the mounting plate 48, instead of being a plain aperture, would be a threaded aperture. This would no more resemble applicant's claimed invention than the Kreinberg conduit holder alone.

Accordingly, Perrault does not provide any missing element that when combined with Kreinberg would provide applicant's claimed invention. As stated above, Kreinberg is missing at least three significant elements of claim 1. Perrault is also missing these elements, and further, Perrault adds nothing of significance to the combination. Combining Kreinberg and Perrault cannot and does not provide applicant's claimed invention. Accordingly, applicant asserts that dependent claims 11, 12, 30, and 31 are allowable over the combination of Kreinberg and Perrault.

3. Rejection of Dependent Claim 10 Over Kreinberg

Dependent claim 10 recites that *the mounting surface is curved.* This is shown in application Figs. 7A-7B. The Examiner rejects this claim asserting that this is merely an obvious design choice. Again, applicant reasserts the above arguments made regarding claim 1 and Kreinberg to rebut the Examiner's rejection of claims 5 and 6 over Kreinberg and Laughlin, and reiterates that the base claim (independent claim 1) is not obvious in light of Kreinberg to begin with because there is virtually no correspondence between the features disclosed in Kreinberg and the elements of claim 1. Without at least most of the basic elements of a claim shown in a

primary reference (such as Kreinberg), the addition of secondary reference features does not render the base claim obvious. Because base claim 1 is not obvious in light of the primary reference to Kreinberg, dependent claim 10, which provides an additional limitation, is likewise not obvious.

4. Rejection of Dependent Claim 13 and 32 Over Kreinberg In View Of Andre

The Examiner rejects dependent claims 13 and 32 by stating that Kreinberg does not disclose a plurality of downwardly inwardly oriented tabs, but that Andre provides this missing element. These rejected dependent claims deal with friction tabs 228 around the opening 226 that aid in resisting removal of the article support hanger once inserted into the claimed adapter. (Figs. 5A-5B, Specification p. 15, ¶¶ 78). The Examiner then states that it would be obvious to provide the inwardly oriented tabs of Andre on the mounting hole taught by Kreinberg to arrive at applicant's claimed invention.

Although Andre may provide some kind of a radial tabs for providing pressure against a central cable as shown Fig. 3, no logical combination of reference features exist because the primary reference to Kreinberg does not disclose the elements, or a sufficient number of elements, with which to make any kind of a combination for arriving at applicant's claimed invention. For a logical combination to be made, the primary reference would need to disclose most of the elements of the independent claim in question (which it does not), while the secondary reference would have to add some element missing from the primary reference, and wherein there is some motivation or suggestion to make the combination.

Applicant reasserts the above arguments under §102 for claims 1 and 24 concerning Kreinberg in traversing the Examiner's rejection regarding the combination of Kreinberg and

Andre. In the present case, neither Kreinberg nor Andre, taken either individually or in combination, suggest applicant's claimed apparatus.

As discussed above with respect to the rejection of claims 1 and 24 under §102, Kreinberg does not teach or disclose the mounting surface, the mounting legs or the hook-like portions for engaging the corresponding rail lip. Nor does Andre teach any of these elements. What Andre does teach is a circular cable clamp having a central hole through which a cable runs. Applicant does not understand how this device relates in any way to the clamed invention. The specific feature of Andre cited by the Examiner cannot be combined with the features of the primary reference to Kreinberg to arrive at applicant's claimed invention because, among other things, Kreinberg does not even disclose most of the necessary elements of the claimed invention. Thus, adding one more immaterial feature from the secondary reference to Andre adds nothing of significance, and certainly does not produce a combination that renders applicant's claimed invention obvious.

Accordingly, Andre does not provide any missing element that when combined with Kreinberg would provide applicant's claimed invention. As stated above, Kreinberg is missing at least three significant elements of claim 1 (and of claim 24). Andre is also missing these elements, and further, Andre adds nothing of significance to the combination. Combining Kreinberg and Andre cannot and does not provide applicant's claimed invention. Accordingly, applicant asserts that dependent claims 13 and 32 are allowable over the combination of Kreinberg and Andre.

VIII. CLAIMS APPENDIX

See attached Appendix of claims on appeal.

IX. EVIDENCE APPENDIX

Not applicable.

X. RELATED PROCEEDINGS APPENDIX

Not Applicable.

CONCLUSION

In conclusion, applicant submits that the claims 1-6, 8-13, 24-26, 29-32, 37, 39, 40, 49, 73-75, 78, 82, 142, and 143 as presently pending are not anticipated by or obvious over the primary reference to Kreinberg (and separately to Meehan), because the references fails to teach or disclose the claimed invention. Applicant further submits that the pending claims are not obvious over the primary reference by itself, or in various combinations with the secondary references to Laughlin, Perrault and Andre. To this end, applicant respectfully requests that the Board reverse the decision of the Examiner finally rejecting 1-6, 8-13, 24-26, 29-32, 37, 39, 40, 49, 73-75, 78, 82, 142, and 143.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. A duplicate copy of this sheet(s) is enclosed.

Respectfully submitted,

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IX. APPENDIX - CLAIMS ON APPEAL

1. (previously presented) For use with an anchor rail formed as a U-shaped channel having a pair of upstanding, opposing legs, each leg having an inwardly extending wall and terminating in a downwardly oriented rail lip, an adapter configured to receive and releasably retain an associated article support hanger on the associated anchor rail, the adapter comprising:

a mounting surface having an opening formed therein to releasably secure the article support hanger to the adapter;

flanges depending from the mounting surface;

mounting legs extending from the flanges, the mounting legs each having a hook-like portion for engaging the corresponding rail lip, the hook-like portion extending substantially along a width of the mounting leg; and

the adapter being flexible to permit urging of the flanges inwardly toward each other to facilitate insertion of a portion of the mounting legs into the U-shaped channel, the adapter further being resilient such that the hook-like portions biasingly engage the rail lips.

2. (original) The adapter in accordance with claim 1 wherein the mounting legs include an inwardly extending portion contiguous with a downwardly extending portion, and wherein the hook-like portion is formed at an end of the downwardly extending portion.

3. (original) The adapter in accordance with claim 1 including at least one binding element formed on at least one of the mounting legs cooperating with each hook-like portion to clamp the respective rail lip between the hook-like portion and the at least one binding element.

4. (original) The adapter in accordance with claim 3 wherein the binding element is disposed on the inwardly extending portion.

5. (original) The adapter in accordance with claim 4 wherein the binding element is a tab formed in the inwardly extending portion, the tab being defined by a pair of notches in the inwardly extending portion.

6. (original) The adapter in accordance with claim 5 wherein the tab includes a downwardly bent portion configured to bite into a respective rail inwardly oriented wall.

Claim 7. (cancelled)

8. (original) The adapter in accordance with claim 1 wherein the mounting surface is a top surface.

9. (original) The adapter in accordance with claim 1 wherein the mounting surface is planar.

10. (original) The adapter in accordance with claim 1 wherein the mounting surface is curved.

11. (previously presented) The adapter in accordance with claim 1 including a collar depending from a periphery of the opening.

12. (previously presented) The adapter in accordance with claim 11 wherein the collar includes threads formed therein.

13. (previously presented) The adapter in accordance with claim 1 including a plurality of downwardly/inwardly oriented projections extending from a periphery of the opening.

Claims 14-23 (cancelled)

24. (previously presented) For use with an associated article support hanger and a strut-type channel, the article support hanger configured to retain a waveguide transmission line, or electrical, pneumatic, hydraulic or other utility line, the channel being generally U-shaped and

having a pair of upstanding, opposing legs, each leg having an inwardly extending wall and terminating in a downwardly oriented rail lip, a unitary resilient coupling comprising:

an article support hanger receiving portion configured to receive and releasably retain the associated article support hanger; and

opposed mounting legs having feet configured to engage corresponding channel lips of the strut-type channel to securely lock the unitary resilient coupling into the channel when the legs are pinched together to fit within the channel, and released so as to expand and biasingly contact the corresponding channel lips.

25. (previously presented) The coupling defined by claim 24 wherein said feet have hook-like portions for engaging the channel lips .

26. (original) The coupling defined by claim 24 wherein said legs are configured to bite into the channel and prevent slippage of the coupling along the channel.

Claims 27-28 (cancelled)

29. (previously presented) The coupling defined by claim 24 wherein said resilient coupling further comprises an opening adapted to be retentively engaged by the article support hanger.

30. (original) The coupling defined by claim 29 wherein said opening is threaded.

31. (original) The coupling defined by claim 30 wherein said opening surrounded by a collar.

32. (original) The coupling defined by claim 30 wherein said opening is surrounded by radial friction tabs.

Claims 33-36 (cancelled)

37. (previously presented) The coupling defined by claim 24 wherein said article support hanger is adapted to support articles of different types.

Claim 38 (cancelled)

39. (previously presented) The coupling defined by claim 24 wherein the resilient coupling is configured to snap into the channel.

40. (original) The coupling defined by claim 39 wherein said feet are configured such that the legs are automatically pinched when the coupling is pushed into the channel.

Claims 41-48 (cancelled)

49. (previously presented) The resilient coupling defined by claim 24 wherein said legs each have one or more integral outstruck tabs which act when the resilient coupling is engaged to bite into the channel and prevent slippage of the resilient coupling along the channel.

Claims 50-72 (cancelled)

73. (previously presented) An assembly for retaining a waveguide transmission line, or electrical, pneumatic, hydraulic or other utility line, or other article on a strut-type channel, the channel being generally U-shaped and having a pair of upstanding, opposing legs, each leg having an inwardly extending wall and terminating in a downwardly oriented channel lip, the assembly comprising:

a unitary resilient adapter having a hanger receiving portion;

an article support hanger configured to retain the waveguide transmission line, or electrical, pneumatic, hydraulic or other utility line, or other article, and having a portion configured to be releasably received by the hanger receiving portion; and

the resilient adapter having opposed mounting legs with feet configured to engage the corresponding channel lip to securely lock the resilient adapter into the channel when the legs are

pinched together to fit within the channel, and released so as to expand and biasingly contact the corresponding channel lips.

74. (previously presented) The assembly defined by claim 73 wherein said article support hanger is configured to releasably engage said resilient adapter with a snap action.

75. (previously presented) The assembly defined by claim 73 wherein said article support hanger is adapted to lock into said hanger receiving portion.

Claims 76-77. (cancelled)

78. (previously presented) The assembly defined by claim 73 wherein said article support hanger is stackable, having a provision for connecting a second article support hanger to itself to permit daisy-chaining of said article support hangers.

Claims 79-81 (cancelled)

82. (previously presented) The assembly defined by claim 73 wherein said resilient adapter and article support hanger are interconnected with a swivel joint, permitting articles to be supported at any angle with respect to the channel.

Claims 83-141 (cancelled)

142. (previously presented) The assembly defined by claim 73 wherein said support has a generally U-shaped resilient configuration with opposing legs structured to securely but releasably engage said adapter.

143. (previously presented) The assembly defined by claim 142 wherein said adapter has an opening which is engaged by barbed feet on said legs.